

77. The end effector assembly of claim 75, wherein the first substantially straight portion and the second substantially straight portion of the first jaw includes teeth.

78. The end effector assembly of claim 74, wherein the teeth of the first jaw are displaced by one-half pitch from the at least one tooth of the second jaw.

79. The end effector assembly of claim 74, further comprising a clevis pin defining the pivotal axis.

80. The end effector assembly of claim 74, further comprising a needle disposed between the first and second jaws.

#### REMARKS

Claims 1-80 are pending in this application, with claims 1, 21, 33, 53, 65, and 74 being independent claims. Claims 1-32 have been allowed in the original application Serial No. 08/928,453 that issued as U.S. Patent No. 6,024,708. Claims 33-80 are newly added. No new matter has been entered.

For the benefit of the Examiner, Applicants provide the following additional explanation related to new independent claims presented in this Preliminary Amendment.

Newly added independent claims 33 and 53 broaden the claimed subject matter of allowed claims 1 and 21, respectively. Claims 33 and 53 recite, among other things, "an edge of the distalmost end of one of the jaws includes teeth radially disposed about the center point, and an edge of the distalmost end of the other jaw includes at least one tooth," whereas claims 1 and 21 recite "an edge of the distalmost end of each of the jaws includes teeth radially disposed about the center point." Thus, the broadening

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

language recites one jaw as having radially disposed teeth (though the claims still cover the instance where both jaws have radially disposed teeth). The language of dependent claims 34-52 and 54-64 substantially corresponds to that of dependent claims that issued in U.S. Patent No. 6,024,708.

Applicants also add new claims 65-80. These claims have similar language as U.S. Patent No. 6,264,617, but independent claims 65 and 74 in this group also recite one jaw as having radially disposed teeth. U.S. Patent No. 6,264,617 issued from a continuation application of the application that resulted in U.S. Patent No. 6,024,708 (the case now in reissue) and, therefore, includes identical disclosure as this reissue application. In addition, a Terminal Disclaimer was filed in the 6,264,617 patent in response to an obviousness-type double patenting rejection over the claims of U.S. Patent Nos. 6,024,708, 5,133,727, and 5,507,296.

In accordance with 37 C.F.R. § 1.173(c), Applicants submit that exemplary support for the newly added claims, and particularly the differences between the new claims and the patented claims, can be found in, for example, Figs. 1-6 and column 3, lines 40-45.

### **CONCLUSION**

Please grant any extensions of time required to enter this Preliminary Amendment and charge any additional required fees to our deposit account 06-0916.

FINNEGAN  
ENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 14, 2002

By: 

Leslie I. Bookoff  
Reg. No. 38,084

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com